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[ECF Nos. 3, 5]

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1 However, certain categories of government officials are protected from such claims by absolute  
2 immunity. *See Forrester v. White*, 484 U.S. 219, 225-26 (1988). To determine whether absolute  
3 immunity applies, the inquiry focuses on the nature and function of the act, not the specific  
4 action taken. *See Stump v. Sparkman*, 435 U.S. 349, 362 (1978). Absolute immunity applies to  
5 judges performing “judicial acts.” *Id.* at 359. If the act is judicial in nature, absolute immunity  
6 attaches even if the act is done maliciously or in bad faith, involves grave procedural errors, or  
7 exceeds the judge’s jurisdiction. *See Stump*, 435 U.S. at 359; *Mirales v. Waco*, 502 U.S. 9, 11  
8 (1991); *Pierson v. Ray*, 386 U.S. 547, 554 (1967). Only judicial acts taken “in clear absence of  
9 all jurisdiction” will not be protected by absolute immunity. *Stump*, 435 U.S. at 356-57.

10 Judicial immunity is immunity from suit, not just immunity from a later assessment of  
11 damages. *Mirales*, 502 U.S. at 11. Thus, if judicial immunity attaches to a judicial officer’s  
12 actions, the suit must be dismissed.

13 The plaintiffs’ claims against Wanker are based on her orders in the state court case. The  
14 issuance of court orders is a quintessential judicial function. *See Stump*, 435 U.S. at 362 (finding  
15 that a judge’s issuance of an order was a judicial act and “the type of act normally performed  
16 only by judges”). Accepting as true the plaintiffs’ allegation that U.S. Bank lacked an equitable  
17 interest in the property that was the subject of the state court case, that does not mean Wanker  
18 lacked jurisdiction to issue the challenged orders. The plaintiffs simply disagree with Wanker’s  
19 rulings, which she made in the context of a judicial proceeding over which she had jurisdiction.  
20 *See, e.g.*, ECF Nos. 5 at 28-29; 5-1 at 52-60. She therefore is entitled to absolute judicial  
21 immunity, so I grant her motion to dismiss and deny the plaintiffs’ motion for summary  
22 judgment as to her.


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1 To the extent the plaintiffs' summary judgment motion is directed at defendant U.S. Bank  
2 Trust, I deny it without prejudice as premature. To date, the plaintiffs have not shown they have  
3 served U.S. Bank Trust.

4 IT IS THEREFORE ORDERED that defendant Kimberly Wanker's motion to dismiss  
5 **(ECF No. 3) is GRANTED.** The plaintiffs' complaint against defendant Kimberly Wanker is  
6 dismissed with prejudice.

7 IT IS FURTHER ORDERED that the plaintiffs' motion for summary judgment **(ECF**  
8 **No. 5) is DENIED.**

9 DATED this 6th day of August, 2019.

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13 ANDREW P. GORDON  
14 UNITED STATES DISTRICT JUDGE  
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